

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

**JOHN DOE subscriber assigned IP
address 74.105.115.205,**

Defendant.

Civil Action No. 14-4394 (KM)

ORDER

This matter having come before the Court by way of Plaintiff's motion for leave to serve a third party subpoena prior to the initial scheduling conference under Federal Rule of Civil Procedure 26(f) [D.E. 5];

and the Court having considered the submissions in support of the motion [D.E. 5];

and it appearing that Plaintiff alleges that each of the cryptographic file hashes set forth in Exhibit A of the Complaint [D.E. 1] belongs to IP address 74.105.115.205, and that each file hash correlates to a copyrighted movie owned by Plaintiff, as identified in Exhibit B of the Complaint [D.E. 1];

and it further appearing that Exhibit B of the Complaint [D.E. 1] references a different IP address that is neither addressed in the Complaint nor in the motion for leave to serve a third party subpoena;

and the Court therefore finding that the identity of the subscriber assigned IP address 74.105.115.205 cannot be ascertained from Plaintiff's application at this time;

IT IS on this 14th day of October, 2014,

ORDERED that Plaintiff's motion for leave to serve a third party subpoena [D.E. 5] is denied without prejudice.

/s Michael A. Hammer
United States Magistrate Judge